

INTERVIEW SUMMARY

An interview was held between the Applicant's representative Mr. Scott Smith, Danyi Quan (both present in person) and Mr. David Osborne (participating telephonically) and Examiners Isis Ghali and Michael Woodward on February 7, 2008. During the interview the failure to enter the Applicants after final amendments was discussed. It was agreed that the amendments presented in the after final response would be entered upon the filing of an RCE. The possibility of arguing the typographical error of lauryl lactate was also discussed. Further discussion was made regarding each of the references of record as well as the associated rejections. Applicant's representatives pointed out that none of the cited reference combinations taught or suggested each and every element of the pending claims. An English translation of the Chinese '987 patent was provided by the Examiner to the Applicants and it was agreed that the reference required Azone as a mandatory permeation enhancer, and though it could be combined with additional enhancing agents, it could not be absent from the formulation. Further Applicant's representatives discussed the incompatibility of the combined references and the specific reasons for their incompatibility, e.g. the unpredictability of the effectiveness of permeation enhancers as well as matrix patch formulations generally. Applicants agreed to submit materials which exemplify the difficulty and somewhat unpredictable nature of formulating transdermal matrix patches using permeation enhancers.